

**LYNCHBURG CITY COUNCIL**  
**Agenda Item Summary**

MEETING DATE: **November 8, 2005**

AGENDA ITEM NO.: 6

CONSENT:

REGULAR: **X**

CLOSED SESSION:  
(Confidential)

ACTION: **X**

INFORMATION:

**ITEM TITLE: Subdivision, Street Dedication and Naming Requests – Mimosa Acres off Mimosa Drive**

**RECOMMENDATION:** Approve an ordinance for street dedication and naming requests

**SUMMARY:** JCL, LLC, a Virginia Limited Liability Company, represented by Guffey Warner & Associates, is requesting to dedicate a new public street to be named “Paradise Lane,” off Mimosa Drive in the proposed Mimosa Acres Subdivision. The proposed street, with a fifty (50) foot right-of-way, would extend approximately six hundred (600) feet in a southeasterly direction to its terminus in a cul-de-sac.

**PRIOR ACTION(S):**

October 12, 2005: Planning Division recommended approval  
Planning Commission recommended approval (6-0 with 1 member absent, Ms. Laura Hamilton)

**FISCAL IMPACT:** N/A

**CONTACT(S):**

Rachel Flynn/455-3902  
Tom Martin /455-3909  
Annette Chenault /455-3894

**ATTACHMENT(S):**

- Ordinance
- PC Report
- PC Minutes
- Subdivision Plat
- Vicinity Map

**REVIEWED BY:** lkp

## ORDINANCE

AN ORDINANCE DEDICATING A CERTAIN AREA LOCATED ON THE EAST SIDE OF MIMOSA DRIVE AS A RIGHT-OF-WAY FOR THE PROPOSED PUBLIC STREET TO BE NAMED "PARADISE LANE".

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG that in order to promote the public necessity, convenience, general welfare, and good zoning practice that Section 35.1-76.\_\_\_\_\_ of the Code of the City of Lynchburg, 1981, be and the same is hereby amended to read as follows:

Section 35.1-76.\_\_\_\_\_. Dedication of a certain area located on the east side of Mimosa Drive as a right-of-way for the proposed public street to be named "Paradise Lane".

The area embraced within the following boundaries . . .

All that parcel of land lying and being in the City of Lynchburg, Virginia, starting on the east side of Mimosa Drive extending from Mimosa Drive in a southeasterly direction for approximately six hundred (600) feet with a right-of-way width of fifty (50) feet to its terminus in a cul-de-sac containing 0.751 acre more or less as shown on the plat by Guffey Warner & Associates titled "Plat Showing Subdivision of Mimosa Acres, City of Lynchburg, Virginia," dated August 22, 2005.

. . . is hereby dedicated as a right-of-way for the proposed public street to be named "Paradise Lane".

The dedication of Paradise Lane and its acceptance as a public street is contingent on the filing of a properly executed subdivision plat to be recorded among the land records in the Office of the Clerk of the Circuit Court; the filing of approved street and utility plans and the necessary construction bonds with the City; and the construction of the street in accordance with City standards. The failure to fully comply with these conditions shall render the City's acceptance of Paradise Lane as a public street null and void.

Adopted:

Certified:

\_\_\_\_\_  
Clerk of Council

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To: Planning Commission  
From: Planning Division  
Date: October 12, 2005  
RE: **SUBDIVISION, STREET DEDICATION AND NAMING REQUESTS – MIMOSA ACRES  
SUBDIVISION OFF MIMOSA DRIVE**

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**I. APPLICANT**

Thomas W. Guffey, Guffey Warner & Associates, Inc., 66 Timber Oak Court- Suite C, Oakdale Circle, Lynchburg Virginia 24502

**Representative:** Thomas W. Guffey, Guffey Warner & Associates, Inc., 66 Timber Oak Court- Suite C, Oakdale Circle, Lynchburg Virginia 24502

**Property Owner:** JCL, LLC, a Virginia Limited Liability Company, 798 High Peak Road, Monroe, Virginia 24514

**II. LOCATION**

The subject property is a tract of land containing 8.902 acres located on the east side of Mimosa Drive, which is off Boonsboro Road. The proposed new road contains 0.751 acres located on the east side of Mimosa Drive.

**III. PURPOSE**

The purpose of the request is to dedicate 0.751 acres for right-of-way for the proposed public street to be named "Paradise Lane" located on the east side of Mimosa Drive. The new street and Mimosa Drive would serve 14 newly created lots for residential development.

**IV. SUMMARY**

- Request agrees with the Subdivision Ordinance requirements for dedicating public rights-of-way in an existing R-1, Low Density, Single-Family Residential District.
- Request agrees with the Zoning Ordinance requirements for right-of-way dedications.
- Request complies with City Code Section 35.105 requirements that "...all streets dedicated or private...may be assigned a name provided that a name assignment has been requested by the property owner on said street, and provided further that the Planning Commission deems the petitioned street of sufficient significance to warrant naming."
- Request complies with City Code Section 35.111 requirement that states the "proposed street name will be reviewed by the Technical Review Committee, Planning Commission and City Council, with the final decision resting with Council."

**The Planning Division recommends approval of the public street dedication and naming requests.**

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**V. FINDINGS OF FACT**

1. **Background.** Thomas W. Guffey, Guffey Warner & Associates, Inc., is requesting to dedicate 0.751 acres for right-of-way for the proposed public street to be named "Paradise Lane" located on the east side of Mimosa Drive, which is off Boonsboro Road. The proposed street, with fifty (50) feet of right-of-way, would extend from Mimosa Drive in a southeasterly direction for approximately 600 feet to its terminus in a cul-de-sac surrounded by lots created by this subdivision.
2. **Zoning.** The subject property is zoned R-1, Low Density, Single-Family Residential District.
3. **Waivers.** No waivers from the Subdivision Ordinance will be needed for the subdivision, street dedication and naming requests.
4. **Proposed Use of Property.** The new street and Mimosa Drive would serve 14 newly created lots for residential development.
5. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed a preliminary subdivision plat on September 6, 2005. The TRC noted the need for several revisions, most of which are minor in nature and which are expected to be resolved by the applicant prior to the approval of a

final plat. The TRC had the following comments of significance to the consideration of the requested subdivision, street dedication and naming:

- “Before the plat is approved, a site plan indicating the proposed development of this site must be submitted. Comments on locations of easements will be made following submittal of the site plan.”
- “Sanitary sewer service to this site must be coordinated with the Engineering Division.”
- “Indicate access to the cemetery.”
- “An easement to allow future sanitary sewer extension to the Gaymoor Terrace area may be required.”
- “Additional right-of-way along Mimosa Drive is required to be dedicated to the City of Lynchburg.”
- Public utilities will need to be extended to serve the subject property. Road, water and sewer plans are to be submitted separately to the Engineering Division for review and approval before final subdivision plat approval.”
- “Public utilities will have to be extended to serve this property.”
- TRC Members—the Traffic Engineer and the Fire Marshal—had no concerns with the proposed public street name. The Emergency Communications Administrator and the Lynchburg Post Office Customer Services Manager also found that the proposed street name does not conflict with any existing street names.

## **VI. PLANNING DIVISION RECOMMENDED MOTION**

Based on the proceeding findings of fact, the Planning Commission recommends to City Council approval of the dedication of the public street to be named “Paradise Lane”, with fifty feet of right-of-way, approximately 600 feet in length, to be constructed in substantial compliance with the plat entitled “Plat Showing Subdivision of Mimosa Acres,” by Guffey Warner & Associates, Inc., dated August 22, 2005. The dedication of Paradise Lane and its acceptance as a public street is contingent on JLC, LLC, a Virginia Limited Liability Company filing a properly executed subdivision plat to be recorded among the land records in the Office of the Clerk of the Circuit Court; the filing of approved street and utility plans and the necessary construction bonds with the City; and the construction of the street in accordance with City standards. The failure to fully comply with these conditions shall render the City’s acceptance of Paradise Lane as a public street null and void.

This matter is respectfully offered for your consideration.

William T. Martin, AICP  
City Planner

pc: Mr. L. Kimball Payne, III, City Manager  
Mr. Walter C. Erwin, City Attorney  
Ms. Rachel O. Flynn, Director of Community Planning & Development  
Mr. R. Douglas Dejarnette, Fire Marshal  
Mr. J. Lee Newland, Director of Engineering  
Lt. Danny R. Marks, Lynchburg Police Department Field Operations Bureau  
Capt. Todd Swisher, Lynchburg Police Department North Division  
Capt. H. W. Duff, Jr. Lynchburg Police Department East Division  
Capt. Al Thomas, Lynchburg Police Department South Division  
Mr. Gerry L. Harter, Traffic Engineer  
Mr. Robert Drane, Building Commissioner  
Mr. Keith A. Wright, Zoning Official  
Mr. Robert S. Fowler, Zoning Official  
Ms. Annette M. Chenault, Planner II  
Ms. C. Nicole Gilkeson, Community Development Planner  
Mr. Thomas W. Guffey, Guffey Warner and Associates, Inc., Representative

## **VII. ATTACHMENTS**

### **1. “Plat Showing Subdivision of Mimosa Acres”**

(see attached plat by Guffey Warner & Associates, Inc., dated August 22, 2005)

## MINUTES FROM THE OCTOBER 12, 2005 PLANNING COMMISSION MEETING

The purpose of the request is to dedicate 0.751 acres for right-of-way for the proposed public street to be named "Paradise Lane" located on the east side of Mimosa Drive. The new street and Mimosa Drive would serve 14 newly created lots for residential development.

Mr. Tom Martin, City Planner, explained that this subdivision was allowed by right, and the reason for this item at this meeting was for the street naming and street dedication. He added that the lots would be served by water and sewer and the street name has been reviewed by all of the appropriate Technical Review Committee members, and the Planning Division does recommend approval of both the street dedication and the street naming.

Commissioner Bacon mentioned the cemetery noting her concern that it be preserved and taken care of. She was not sure how a house could be built on Lot 6 or how they would like living there.

Mr. Martin explained that there was an easement provided for the cemetery. Whether or not they will clean the cemetery up, there is nothing the City can do to make them do that, but added, that if the developer wanted to market the lots, they will clean the area up. Mr. Martin said the lots were approximately two-hundred eighty-five feet deep (285), with a forty (40) foot front setback for the buildings.

Commissioner Pulliam asked how street names were chosen.

Mr. Martin said the names were chosen by the surveyor or property owner, then are reviewed to determine if there are conflicts with any other existing street names within the City, or does not sound similar to another name, then it would be approved.

Chair Dahlgren asked if any of the expense associated with this development went to the City. He asked if any of the neighbors had been contacted about the development. He also asked about the brick building on the site, if it would be torn down.

Mr. Martin said the City usually cost-shared the cost of curb and gutter, which is a standard practice. He understood that the cost sharing came about was because in years past, a lot of the development was going into the counties because of the street standards that the City has. In order to offset some of those costs, it helped bring some of the development back into the City. He added that after the development is completely built up, the City would take over the street and provide maintenance. He added that he was not sure about sharing the cost of water and sewer extensions.

Mr. Martin said that the neighbors did not have to be notified because this was a by-right development. He added that any vacant land zoned residential and street access can be available, it was open for development, which is a matter of property rights. That is why, he added, zoning is so important.

Mr. Martin responded that the brick building on the property would be demolished. He added that the building was sitting across two lot lines, which would not be allowed.

Commissioner Bacon asked if the electrical service would be underground or overhead.

Mr. Martin noted that the plat indicated that all utilities would be placed underground.

Commissioner Flint said he said he lived near the site and would be happy to have the old radio station demolished.

After discussion Commissioner Worthington made the following motion, which was seconded by Commissioner Pulliam and passed by the following vote:

"That the Planning Commission recommends to City Council approval of the dedication of the public street to be named "Paradise Lane", with fifty feet of right-of-way, approximately 600 feet in length, to be constructed in substantial compliance with the plat entitled "Plat Showing Subdivision of Mimosa Acres," by Guffey Warner & Associates, Inc., dated August 22, 2005. The dedication of Paradise Lane and its acceptance as a public street is contingent on JLC, LLC, a Virginia Limited Liability Company filing a properly executed subdivision plat to be recorded among the land records in the Office of the Clerk of the Circuit Court; the filing of approved street and utility plans and the necessary construction bonds with the City; and the construction of the street in accordance

with City standards. The failure to fully comply with these conditions shall render the City's acceptance of Paradise Lane as a public street null and void."

AYES:	Bacon, Barnes, Dahlgren, Flint, Pulliam, Worthington	6
NOES:		0
ABSTENTIONS:		0
ABSENT:	Hamilton,	1

Date: \_\_\_\_\_ Clerk of Council \_\_\_\_\_



TMP No. 184-18-70  
Area= 5.862 Ac.

**SHEET NO:**

CITY OF LYNCHBURG, VIRGINIA

CURVE TABLE

CURVE	DELTA	RADIUS	ARC	CHORD	CHD. BEARING
C1	90°00'00"	25.00'	39.27'	36.36'	N68°34'28"E
C2	05°18'00"	700.02'	64.75'	64.73'	S63°46'32"E
C3	05°50'38"	700.02'	71.40'	71.37'	S58°12'13"E
C4	07°38'38"	520.47'	69.44'	69.38'	S59°06'13"E
C5	30°24'36"	50.00'	26.54'	26.23'	S47°43'14"E
C6	10°59'59"	50.00'	9.60'	9.58'	S27°00'57"E
C7	81°35'48"	50.00'	71.21'	65.34'	S62°18'52"E
C8	52°18'20"	50.00'	45.65'	44.08'	N50°44'04"E
C9	46°54'33"	50.00'	40.94'	39.80'	N01°07'38"E
C10	48°07'28"	50.00'	40.25'	39.17'	N45°23'23"W
C11	38°52'49"	50.00'	31.51'	30.80'	N98°23'43"W
C12	41°24'36"	50.00'	36.15'	35.37'	N83°37'50"W
C13	07°38'38"	470.47'	62.76'	62.72'	N59°06'12"W
C14	06°36'47"	750.02'	86.67'	86.52'	N59°35'18"W
C15	04°31'51"	750.02'	59.31'	59.29'	N64°09'37"W
C16	89°47'32"	25.00'	39.18'	35.29'	N21°31'46"W
C17	07°06'37"	289.72'	35.95'	35.93'	N09°26'42"E
C18	08°14'04"	289.72'	41.64'	41.60'	N01°46'24"E
C19	11°08'38"	750.02'	145.88'	145.65'	N50°51'13"W
C20	262°48'10"	50.00'	229.35'	75.00'	N27°04'22"E
C21	41°24'36"	50.00'	36.14'	35.36'	S42°13'15"E
C22	11°08'38"	700.02'	136.15'	135.94'	S60°51'13"E
C23	15°20'41"	289.72'	77.59'	77.36'	N05°19'41"E

\* Note:  
Curve is non-tangent

LINE TABLE

LINE NO.	LENGTH	BEARING
L1	25.00'	N23°34'28"E
L2	109.27'	S68°25'32"E
L3	28.73'	S55°16'54"E
L4	101.08'	S55°16'54"E
L5	23.80'	N55°16'54"W
L6	100.00'	N55°16'54"W
L7	6.01'	N55°16'54"W
L8	109.39'	N68°25'32"E
L9	14.86'	N23°22'00"E
L10	68.56'	N19°12'00"E
L11	63.09'	N19°12'00"E
L12	129.81'	N55°16'54"W
L13	129.81'	S55°16'54"E

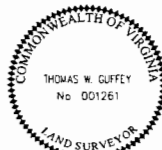
LEGEND

- IRON PIN SET
- IRON PIN FOUND
- IRON PIPE FOUND
- ◇ POWER POLE
- EXISTING RIGHT OF WAY
- PROPERTY LINE
- ADJOINER PROPERTY LINE
- FRONT SET BACK LINE
- DRAINAGE/MAINTENANCE EASEMENT
- PUBLIC UTILITY EASEMENT

Plat approved by:

Date: City Engineer

Date: Clerk of Council



**GUFFEY & ASSOCIATES**  
ENGINEERS & SURVEYORS  
88 THUNDER CREEK CT. SUITE C  
LYNCHBURG, VA 24502  
PHONE: 434-236-6000  
FAX: 434-236-9511

TITLE:

**PLAT SHOWING  
SUBDIVISION  
OF  
MIMOSA ACRES**

CITY OF LYNCHBURG, VIRGINIA

FB No. \_\_\_\_\_ PG \_\_\_\_\_



IF THIS DRAWING IS A REDUCTION  
GRAPHIC SCALE MUST BE USED

SCALE: 1" = 100'  
DATE: 8/22/05  
DRAWN BY: BCE  
FILE NAME: E:\06022 PLAT  
SHEET NO: 2 OF 2

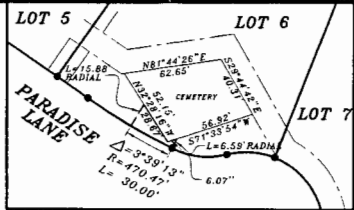
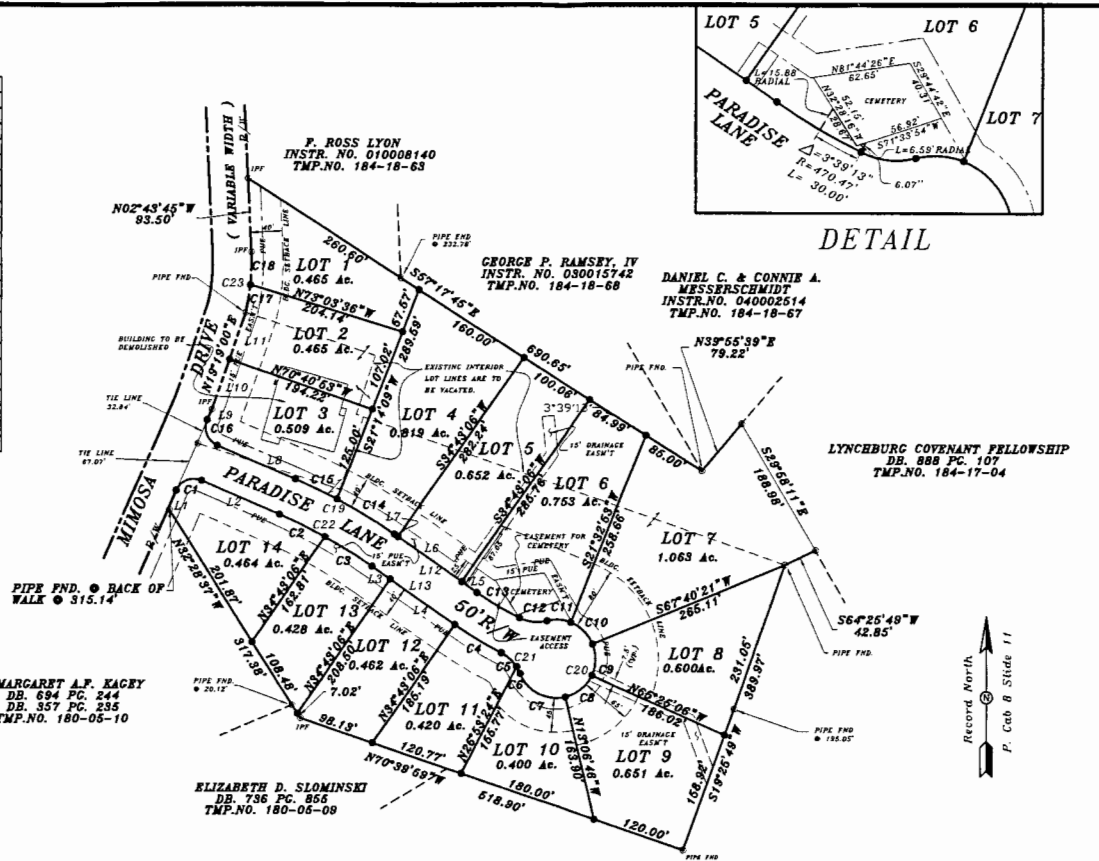
PIPE FND. ● BACK OF  
WALK ● 315.14'

MARGARET A.F. KACEY  
DB. 694 PC. 244  
DB. 357 PC. 235  
TMP.NO. 180-05-10

ELIZABETH D. SLOMINSKI  
DB. 736 PC. 855  
TMP.NO. 180-05-08

NOTE:  
PARADISE LANE IS A 50' R/W AND WILL BE  
DEDICATED TO THE CITY OF LYNCHBURG.

CITY OF LYNCHBURG  
( BEDFORD HILLS SCHOOL )  
BD. 313 PC.113  
TMP.No. 180-05-01



DETAIL

LYNCHBURG COVENANT FELLOWSHIP  
DB. 888 PC. 107  
TMP.No. 184-17-04

